IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :16344 of 1998

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Dated: 9th July 2007.

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Between:

A.Sreeramulu, A/o Simhahalam, Hindu, aged about 33 years, Ex-casual Labour, R/o Visakhapatnam.

..... PETITIONER

AND

A.P.S.E.Board, rep by its Secretary, Vidhyuth Soudha, Somajiguda, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.16344 OF 1998

ORAL ORDER:

This writ petition has been instituted by a former casual labour of the Andhra Pradesh State Electricity Board (henceforth referred to as 'the Board'), soliciting directions to the respondents to consider his case in terms of the scheme contained in B.P.Ms.No.36, dated 18-05-1997, for the purpose of regularization of his service, without regard to his age at the time of his initial engagement on casual basis by the Board.

Heard the learned counsel for the petitioner and Sri P.R. Balarami Reddy learned Standing Counsel for the respondent-Corporation.

It is brought to my notice that through various Board Proceedings and Circulars, it has been made clear that the Board had to consider the age of the candidates at the time of their engagement and, on that basis, determine the issue relating to the regularization of their services. Regulation No. 16(1)(e) of the Regulations framed by the Board, which dealt with the question of age of the candidates at the time of recruitment, reads as follows:

> "Age" – (1) Technical personnel or non-technical personnel who have, on or before the first day of the month in which selection is held, completed 30 or 25 years of age respectively shall not be eligible for direct recruitment.

> Minors, i.e., candidates who have not completed 18 years of age also shall not be eligible for direct recruitment."

When the same question has engaged the attention of the Supreme Court in Civil Appeal No.3215 of 2002 and batch, it has been answered in the following manner:

> " In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of services of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.5.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age or over-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.5.1997."

In view of this binding precedent, the writ petitioner, whose date of birth is 15th April 1964 and who has been engaged by the Board on casual basis on 25-11-1980, is below 18 years of age at the time of his

engagement and consequently he is ineligible to seek the benefit under the scheme of regularization, set out in B.P.Ms.No.36, dated 18-05-1997.

For the foregoing discussion, I do not find any merit in the writ petition and accordingly, I dismiss the same, but however, in the circumstances, without costs.

Nooty Ramamohana Rao, J

9th July 2007
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